



# JSEC Quarterly Newsletter

ISSUE 18

SEPTEMBER 2012

## SPECIAL POINTS OF IN- TEREST:

- Youth Rules
- Unemployment Rates
- National Disability  
Employment  
Awareness Month
- Wage and Hour  
questionnaire

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## Youth Rules

The Fair Labor Standards Act (FLSA) sets 14 as the minimum age for most non-agricultural work. However, at any age, youth may deliver newspapers; perform in radio, television, movie, or theatrical productions; work in businesses owned by their parents (except in mining, manufacturing or hazardous jobs); and perform babysitting or perform minor chores around a private home.

What hours can youth work? Hours worked by 14 and 15 year olds are limited to: Non-school hours; 3 hours in a school day; 18 hours in a school week; 8 hours on a non-school day; 40 hours on a non-school week; and the hours between 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when evening hours

are extended to 9 p.m.) FLSA does not limit the number of



***Youth may deliver  
newspapers at any age!***

hours or times of day for workers 16 years and older. 14 and 15 year olds may work in fast food and restaurants. They may perform cashiering, table

service and "busing", clean up work including the use of vacuum cleaners and floor waxers. They may perform kitchen work and other work involved in preparing food and beverages, including the operation of devices used in such work, such as dishwashers, toasters, milk shake blenders, warming lamps and coffee grinders. They may perform limited cooking duties involving electric or gas grills that do not entail cooking over an open flame. They may also cook with deep fat fryers that are equipped with and utilize devices that automatically raise and lower the "baskets" into and out of the hot grease. They may not operate broilers, rotisseries, pressure cookers, or rapid toasters. They may not bake. They may not work in freezers or meat coolers, but may occasionally

## Unemployment Rates

Montana's unemployment rate increased slightly to 6.4% in July, with employment slipping by 700 jobs. The national rate also increased by 0.1%, but remains significantly higher than Montana's rate at 8.3%. Richland County is currently at 3.0%, which is 5th lowest in the state.

Lowest county is Sweet Grass at 2.6% and highest is Lincoln and Sanders at 12.6%. Neighboring North Dakota drops to a new low of 2.9%. Williams County is currently at 0.7%!



## October is National Disability Employment Awareness Month 2012

Competence and flexibility...they are vital skills that employers seek. Today more than ever, businesses need people with the ability to adapt to different situations and circumstances. And perhaps more than any other group, people with disabilities possess precisely these attributes. On a daily basis, people with disabilities must think creatively about how to solve problems and accomplish tasks. In the workplace, this translates into innovative

thinking, fresh ideas and varied approaches to confronting challenges and achieving success. While research shows that people with disabilities make excellent employees, not all employers know how to effectively recruit, retain and advance such individuals. The goal of the recruitment and hiring process is to attract and identify individuals who have the best mix of skills and attributes for the job available. Ensuring that all qualified

individuals—including those with disabilities— can participate in the understanding how to be disability inclusive in recruiting and hiring. Visit the our website [www.dol.gov/odep](http://www.dol.gov/odep).

U.S. Department of Labor  
Office of Disability



*"Thank you to  
Sharon Nelson and  
Renee Goss for  
your many years  
of dedication to  
the JSEC program.  
Best Wishes on  
your retirement!"*

## Wage and Hour questionnaire

1. T or F: Holiday pay does not have to be included in the calculation of overtime.
2. T or F: It is required by both federal and state law that employees are to receive a 15 minute break for every four hours worked and a lunch break of at least 30 minutes for every six hours worked.
3. T or F: Compensatory time can be provided to employees instead of receiving overtime in the private sector.
4. T or F: The employer's policy (written in a handbook) indicates till shortages will be withheld from the employee's paychecks (whether it is from the person in charge of the till or split amongst employees on duty). Employees have signed the handbook acknowledging they are aware of the policy so the employer can withhold the shortages from their paychecks.
5. T or F: In a retail establishment (motel, bar or restaurant), an employer can use the employees' tips to make up part of their wage.
6. T or F: An employer conducts a mandatory staff meeting after regular work hours. The time spent at the meeting is not during their scheduled work time so that employees need not be paid for that time.
7. T or F: An employee is paid on a piece rate basis, which varies based on the sewing projects. This employer does not need to record the hours the employee works as this employee is not entitled to receive minimum wage or overtime pay based on the employment agreement.
8. T or F: When an employee (in the private sector-non-government) quits their job, their final paycheck is due within 15 days after separation or the next scheduled pay period, whichever occurs first.
9. T or F: If an employee is terminated or laid off by an employer, that employee would need to be paid their final check immediately unless the employer has a written personnel policy which extends the time of the final paycheck to the next pay period or within 15 days of separation, whichever comes first.
10. T or F: An employee is paid biweekly. The overtime is figured for all hours worked over 80 in the pay period.

Find answers on page 4!

# Sidney Job Service hires new Workforce Consultant

Casey Santana joined Sidney Job Service on August 13th. Casey was raised in the tiny town of Laclede on the Pend Oreille River in Idaho. She went to school in Priest River Idaho. After graduation she went to college studying Art and Education at College of Idaho in Caldwell near Boise. In 2008, she moved back to Sandpoint, Idaho, where she met her husband. In April 2011, Ron was offered a position managing the CARQUEST in Sidney. Within a few weeks they moved to Fairview and have been enjoying the change. We are excited about having Casey join us!



*Casey Santana joins Sidney Job Service*

## Five in One Posters

The Montana Department of Labor and Industry is hearing from small businesses targeted by aggressive marketing companies who sell labor law posters claiming to be the state agency. "These aggressive marketing tactics are making it difficult and expensive for Montana business owners who are trying to follow the law," said Labor Commissioner Keith Kelly. "We want business to know that the Department does not and will not call demanding you purchase a

Five in One poster. In fact, those posters are available at no cost!"

The Five in One posters are available from the Department's Job Service Division, encompass Equal Opportunity, Family and Medical Leave Act with Military Leave (employers with 50 or more employees), Federal Minimum Wage (Fair Labor Standards Act), and the Polygraph Protection Act. Federal regulations also require posting the

Uniformed Services Employment and Re-employment Rights Act (USERRA). All posters are available at Sidney Job Service. Posters also include: Proof of Unemployment Insurance coverage and Proof of Workers' Compensation coverage, provided by Workers' Compensation Insurance carrier. Employers are **NOT required to post the State minimum wage.**

Provided by Casey Kyler-West  
Communications Director

## Are you liking us on Facebook and following us on Twitter?



Like us on Facebook!

<http://www.facebook.com/sidneyjobservice>

Follow us on Twitter!

[@SidneyJobs](https://twitter.com/SidneyJobs)

Tweets as jobs are posted!!



## Sidney Job Service

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Sidney, MT 59270

Phone: 406-433-1204

Fax: 406-433-7453

Email: [sidneyjs@mt.gov](mailto:sidneyjs@mt.gov)

Website: [www.sidneyjobs.mt.gov](http://www.sidneyjobs.mt.gov)

**Veteran Service Officer-Keith Olson 406-232-1203**

**Vocational Rehabilitation-Rhonda Shumway 877-296-1198**

**Experience Works-Seeking Individuals 55 and older that are re-entering employment or needing to update skills**

**Susan McDannel 406-234-1561**

**Job Corps-Audree Kilbey 406-265-6743**

## Wage and Hour Answers

1. True-Overtime is paid for any hours **worked** over 40 per week.
  2. False-There is **not** a federal or Montana state law that requires an employer to furnish a meal break; however, if provided the following criteria would need to be met for it to be a bona fide period in which the time is not work time: \*Completely relieved of duty \*At least 30 minutes in duration.
  3. False-Banking of overtime hours is not allowed in the private sector.
  4. False-Wages cannot be withheld for shortages, damages, or mistakes.
  5. False-tips, gratuities, or service charges belong to the employee and cannot be used by the employer to make up any part of the worker's wage.
  6. False-Not work time if:  
\*attendance is outside of employer's regular working hours.  
\*attendance is **voluntary** \*Not directly related to employee's job, **and** \*employee does not perform any productive work during attendance.
  7. False-Piece rate: The regular rate for an employee paid on a piece-rate basis is arrived at by dividing the total weekly earnings by the total number of hours worked in the week. The employee is entitled to payment of one-half this regular rate for each hour worked over 40— in addition to the full piece work earnings.
  8. True-Applies to public and private sector, the employers from within the state of Montana as well as employers whose payroll originates outside the state of Montana.
  9. True-The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 days, whichever occurs first. It is better to have the check available immediately.
  10. False-An employee paid by the hour must be paid at a rate of on and on-half times the rate for all hours worked over 40 hours per week.
- For more information:  
[www.mtwagehourbopa.com](http://www.mtwagehourbopa.com)